

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

v.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

Civil Action No. 04cv397(GBD)(RLE)

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USDC SDNY
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**PROPOSED AGREED ORDER REGARDING PERSONAL JURISDICTION
DISCOVERY AND BRIEFING SCHEDULE FOR DEFENDANTS' RENEWED
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

THIS MATTER, having come before the Court on the joint motion of the Plaintiffs and defendants The Palestinian Authority and The Palestine Liberation Organization ("Defendants"), by and through their respective counsel, for entry of an order regarding personal jurisdiction discovery and the briefing of Defendants' renewed motion to dismiss for lack of personal jurisdiction ("Renewed Motion to Dismiss"), as set forth below; and

WHEREAS, on April 9, 2009, this Court set May 29, 2009, as the deadline for completion of personal jurisdiction discovery in this case (Dkt. #62); and

WHEREAS, a dispute exists between the parties regarding, *inter alia*, whether the Court's April 9, 2009, Order imposed a deadline for completing discovery that was outstanding as of the date of the order or permitted Plaintiffs to issue additional personal jurisdiction discovery requests after the date of the order; and

WHEREAS, on April 23, 2009, the Plaintiffs served the Defendants with a Second Set of Interrogatories, a Second Request for Production of Documents, and three notices of deposition,

which relate, in part, to affidavits, declarations and/or documents that might be submitted in support of Defendants' Renewed Motion to Dismiss ("Plaintiffs' April 23 Requests"); and

WHEREAS, the parties subsequently discussed and agreed upon a discovery and briefing schedule that provides for (i) the expedited filing of the Renewed Motion to Dismiss where no filing deadline currently exists; (ii) the possibility of obviating or limiting Plaintiffs' April 23 Requests following Plaintiffs' review of Defendants' Renewed Motion to Dismiss; and (iii) the possible expediting of briefing on Defendants' Renewed Motion to Dismiss, all of which could achieve an efficient use of the Court's and the parties' resources; and

WHEREAS, it appearing to the Court that good cause exists for granting the parties' joint request; it is now therefore

ORDERED as follows:


1. All discovery and related deadlines associated with Plaintiffs' April 23 Requests, including any deadlines for Plaintiffs to move to compel compliance with those requests, shall be stayed pending the filing of Defendants' Renewed Motion to Dismiss.
2. Defendants shall file their Renewed Motion to Dismiss on or before May 29, 2009.
3. No later than June 8, 2009, Plaintiffs shall notify Defendants in writing whether, upon review of Defendants' Renewed Motion to Dismiss, Plaintiffs intend to proceed forward with their April 23 Requests or to withdraw such discovery, in whole or in part.
4. No later than June 8, 2009, upon review of Defendants' Renewed Motion to Dismiss, the Plaintiffs shall file any motion to compel compliance with the discovery requests previously served on December 1, 2008 ("December 1 Requests"). If by June 8, 2009, Plaintiffs

do not file a motion to compel compliance with the December 1 Requests, they shall be precluded from doing so.

5. In the event Plaintiffs withdraw their April 23 Requests in whole and decline to file a motion to compel compliance with the December 1 Requests, Plaintiffs shall file their Opposition to Defendants' Renewed Motion to Dismiss on or before June 29, 2009, and Defendants shall file their Reply on or before July 9, 2009.

6. In the event Plaintiffs decide to stand on their April 23 Requests, in whole or in part, Defendants shall serve their written objections, if any, to such discovery on or before June 18, 2009. The parties shall then request that the Court schedule a discovery conference to address the Plaintiffs' April 23 Requests, the Defendants' objections thereto and any motion to compel that Plaintiffs filed regarding the December 1 Requests. In this case, Plaintiffs shall file their Opposition to Defendants' Renewed Motion to Dismiss thirty days after the later of completion of any jurisdictional discovery permitted or the Court's denial of Plaintiffs' motions to compel compliance with the December 1 and/or April 23 Requests, as the case may be, and Defendants shall file their Reply fourteen days after service of Plaintiffs' Opposition.

SO ORDERED this 12th day of May, 2009.



Hon. Ronald L. Ellis
United States Magistrate Judge

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